

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
(Northern Division)
No.: 2:24-cv-00026-D-RN

JOYCE SYKES FITCH, MARK MIXON,)
SHERRYREED ROBINSON, and)
ADRIANA BLAKEMAN, individually and)
as elected officers and members of THE)
CONCERNED CITIZENS OF TYRRELL)
COUNTY,)

Plaintiffs,)

v.)

TYRRELL COUNTY,)

Defendant.)

**MOTION TO DISMISS
AMENDED COMPLAINT**

Defendant Tyrrell County, by and through the undersigned counsel, respectfully moves the Court for an Order dismissing Plaintiff's claims alleged in the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiffs' Amended Complaint alleges claims against the defendant County for racially discriminatory government speech in violation of the equal protection clause of the Fourteenth Amendment under 42 U.S.C. § 1983, as well as a claim that defendant has violated plaintiffs' right to use public property under 42 U.S.C. § 1982. Defendant provides the following grounds for the dismissal of Plaintiffs' claims:

1. Plaintiffs' equal protection claim fails to state a claim for relief because the pleaded allegations do not show defendant acted with discriminatory intent.
2. Plaintiffs' alleged 42 U.S.C. § 1982 violation does not state a claim for relief because the pleaded allegations do not show defendant acted with discriminatory intent.
3. Defendant Tyrrell County has legislative immunity from plaintiffs' suit.

WHEREFORE, Defendant Tyrrell County prays that their Motion to Dismiss be GRANTED, and that Plaintiffs' Amended Complaint be dismissed with prejudice and for such other and further relief as may be deemed just and proper.

This the 9th day of October, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2024, I electronically filed the foregoing *Motion to Dismiss* with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to counsel of record:

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